

Trust

The Pew Charitable Trusts

VOLUME 7 / NUMBER 2 / SUMMER 2004



Campaign \$ Reform
Re-Conceiving Human Reproduction
Toward an Honest Cyberspace



Responsibility

Americans have always been characterized as a pragmatic people: We get things done. “Yankee ingenuity” (not confined to New England, of course) starts with the assumption that we don’t have to live with a problem but can find an answer—often non-obvious, bred of such ingredients as hope, common sense, technology, contributions from diverse disciplines and newly discovered stakeholders who are drawn into the effort.

The organizations that successfully and consistently rise to the challenge emerge as our leadership institutions. We look to them for vision and results, no matter which sector—for-profit, nonprofit, philanthropic or governmental—they may inhabit.

But that’s not all we want from these leaders. We also expect them to act with integrity, character and honesty as they work to serve the public interest. In turn, we and our partners must be accountable in our dealings and transparent about how we achieve our results.

Unfortunately, every sector has some organizations that have failed to meet these standards. Whether through greed, simple thoughtlessness, lack of oversight or other internal checks, they disregarded the interest of their stakeholders and the public they serve. They stretched or even broke their own established rules of conduct for their own gains—and, in the process, lost both their reputation and their effectiveness and hopes for success. Even more tragic, they tainted the public’s regard for entire sectors and the worthy organizations

working hard to wisely steward their institutions and serve their constituents.

This climate is distressing to The Pew Charitable Trusts. Our founders felt keenly their responsibility to earn and keep the public trust, holding the institution—and their successors, who lead the Trusts today—to the highest standards of accountability and transparency. We understand that a commitment to the public trust comes from a legacy of honesty, good governance and best practice that must be constantly *re-earned* by the quality of our work and the integrity with which we carry it out.

In the political realm, the credibility and transparency by which our nation conducts elections is central to nurturing the public trust, since voting is the bedrock of our democracy—one of the “first principles” of government, as Thomas Paine put it, because the ballot “is the primary right by which other rights are protected.” If people were to lose faith in the accountability of our election system, if they did not believe that our elections are free and fair, they would not vote—and the very system that underpins our participatory democracy would profoundly suffer.

To help increase public trust, confidence and participation in our elections, the Trusts launched a major initiative in 1996 to reform the role of money in campaigns. Our investments were intended to encourage support for an incremental approach to campaign finance reform, based on solid, nonpartisan research and data and designed to bring varied, informed and compelling voices into the debate.

We and other foundations worked with organizations across the political spectrum to provide information that would increase transparency and accountability in how campaigns are financed—critical ingredients to regain the public’s trust. The development of model approaches was intended to help end the longstanding ideological impasse around campaign finance reform and attract sufficient public and policymaker support to this key issue. Now, in the era of the Bipartisan

Campaign Reform Act, we are supporting work to ensure that campaign laws are effectively implemented.

Every sector, not only the political, must earn the public’s confidence. Rapidly emerging, technologically complex areas, by virtue of being novel, raise important ethical, social and policy questions for us all. Those with responsibility for these innovations must work to assure us that they are acting with integrity and accountability—and must thoroughly explain to the public the importance and impact of their contributions. After all, the public must understand the topic in order to lend a wise voice to the policy decisions that affect it.

Reproductive genetics is a timely example because, even as it clearly solves many problems, it also raises new and difficult choices for society to make. For while we as a nation may concur on the promise the scientific advances hold for preventing diseases, we are assuredly of many opinions on the ethical implications of the technology and on the sort of oversight that would give us confidence that its application is accountable and deserving of the public trust.

The Genetics and Public Policy Center, a Trusts-supported project of Johns Hopkins University, provides well-considered policy options so that the public and policymakers can make educated choices on the use and future direction of the technologies involved in human reproduction. The Center’s success is based on its independence and ability to provide objective, credible information and on its fostering of a deliberative environment for disparate points of view.

In all of our efforts, the Trusts aims to serve the public interest, and we work—as an institution and with our partners—by holding ourselves to the highest standards of integrity, accountability and transparency. We act as though our reputational capital is always at stake—for indeed it is.

*Rebecca W. Rimel
President and CEO*

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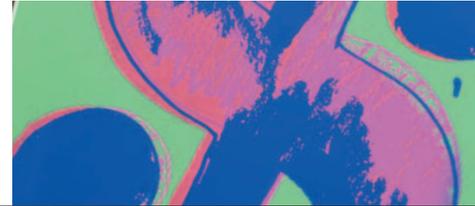
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The Pew Charitable Trusts serves the public interest in three major areas of work: advancing policy solutions on important issues facing the American people; informing the public on key issues and trends as a highly credible source of independent, non-partisan research and polling information; and supporting the arts, heritage, health and well-being of our diverse citizenry and civic life, with particular emphasis on Philadelphia.

Based in Philadelphia, with an office in Washington, D.C., the Trusts makes investments to provide organizations and citizens with fact-based research and practical solutions for challenging issues.

An independent nonprofit, the Trusts is the sole beneficiary of seven individual charitable funds established between 1948 and 1979 by two sons and two daughters of Sun Oil Company founder Joseph N. Pew and his wife, Mary Anderson Pew.

Juice Worth the

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Dollar Sign (green), 1982 (silkscreen on canvas) by Andy Warhol (1930-87)
Connaught Brown, London, UK / Bridgeman Art Library

A campaign finance reformer reviews the struggle for change.

Former Solicitor General Seth Waxman is unlikely to forget anytime soon where he was on the morning of December 10, 2003—in the U.S. Supreme Court chamber—or that he was somewhat distracted as the nine justices filed into the chamber to hear the first of two oral arguments on that day's docket.

Waxman's attention was riveted on what he would momentarily present to the Court in a case addressing the scope of the Sixth Amendment right to counsel. At first he did not realize that Chief Justice Rehnquist was announcing a decision in *McConnell v. Federal Election Commission*, which challenged the constitutionality of the Bipartisan Campaign Reform Act of 2002 (BCRA). And when he did realize it, he refused to listen: After all, he had another case to argue that morning.

Three months earlier, as lead attorney for the congressional co-sponsors of BCRA, Waxman had brilliantly defended the new law in an almost unprecedented four-hour oral argument against a



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How editorial cartoonists saw campaign finance reform in 1998 . . .

By Thomas E. Mann

veritable dream team of prominent lawyers (including former Independent Counsel Kenneth Starr and First Amendment champion Floyd Abrams) representing Senator Mitch McConnell (R-Ky.) and scores of allied plaintiffs. Spirited and probing questioning by the justices left most observers uncertain how the Court would rule.

At the initial stage of the litigation, a three-judge Federal District Court panel, after months of delay, had disgorged a complex and confusing 1,600-page decision that found unconstitutional some of the law's major provisions. Consequently, smart money was on the Supreme Court striking down the section regulating certain types of broadcast "issue ads"—campaign ads financed with funds not subject to federal regulation—as well as restrictions on the "soft-money" funding activities of state and local political parties—that is, what they do with unregulated donations from corporations, unions and wealthy individuals.

Others present in the court the December morning of the decision—many of whom were there to hear the second oral argument on an important partisan gerrymandering case—realized immediately the stunning import of the Chief Justice's words. Largely by a 5-4 majority (with Justice O'Connor decisively joining Justices Breyer, Ginsburg, Souter and Stevens), the Court upheld virtually in their entirety BCRA's twin pillars regulating soft money and issue advocacy.



Defenders of the new law, myself included, could not have been more pleased by the substance of the decision or by the rationale used by the majority to uphold Congress's handiwork. The Court explicitly recognized the care the bill's authors took to craft constitutional means to achieve a limited set of policy ends. While many BCRA critics see an ambitious and threatening departure in campaign finance regulation and jurisprudence, supporters are comforted that the Court recognized that Congress took measured and considered steps to restore a regime that was undermined in recent years by the rise of party soft money and the explosion of electioneering disguised as issue advocacy.

The majority opinion is notable for its reliance on the evidentiary record assembled by Congress and BCRA's defendants, its refreshingly pragmatic view of money and politics, its reluctance to entertain departures from the constitutional analysis underlying its previous campaign finance cases—from *Buckley v. Valeo* (1976) to *Federal Election Commission v. Beaumont* (2003)—and its deference to Congress.

To members of the campaign finance reform community, this wonderfully satisfying victory in *McConnell v. FEC* affirmed critical decisions made years earlier: to refocus the reform agenda on a limited set of pressing problems that emerged in the 1996 election, to frame legislative proposals that could attract bipartisan support in Congress and pass constitutional muster, to build a substantial empirical record documenting how contemporary campaign finance practices departed from the intentions of existing law and to attract to the reform coalition a broader, more diverse set of groups and interests.

These decisions transformed what had been a fractious reform community pursuing an ineffectual legislative strategy since the mid-1980s into a more pragmatic, formidable and



... and in 2001 ...

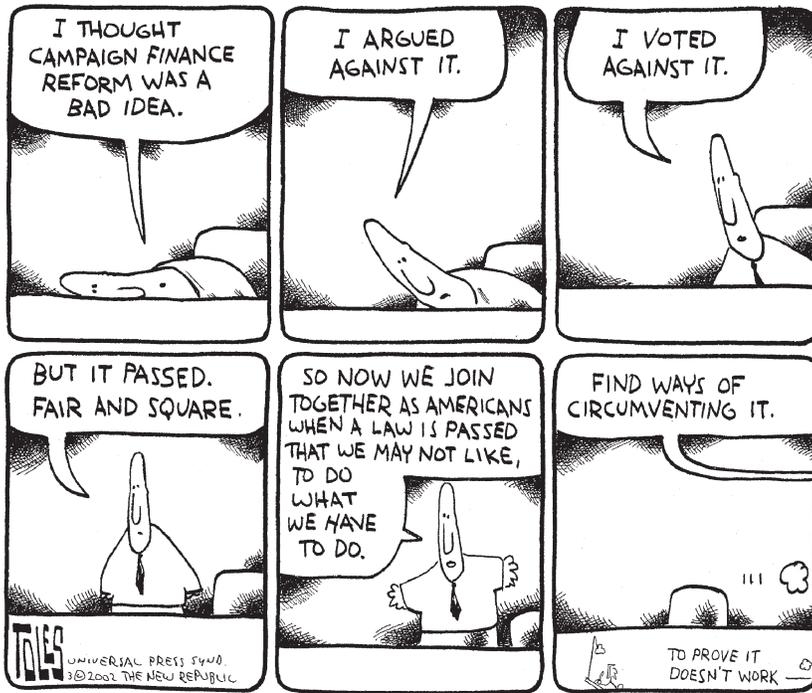
ultimately successful force. Looking back on this history, I am struck by the pivotal role played by The Pew Charitable Trusts and allied foundations in nurturing the efforts that made possible the new campaign finance law.

The 1996 election was a critical juncture in this period. On the advice of his political consultant Dick Morris, President Bill Clinton embraced an "issue advocacy" political advertising strategy in late 1995. Clinton's brazen move, unchallenged by the Federal Election Commission, pushed the law to its limit and left his reelection campaign unconstrained by Presidential campaign spending limits and financed in substantial part by party soft money. In this new soft money/issue advocacy world of campaign finance, the Republican National Committee soon came to the aid of its Presidential nominee, Bob Dole, and the congressional party committees threw support to candidates for the House and Senate.

The party committees were joined by outside groups suddenly free to use their treasury funds to broadcast electioneering communications under the guise of issue advocacy. They spent millions of dollars in this fashion, clearly designed to elect or defeat federal candidates. The demand for party soft money intensified (jumping from \$80 million in 1992 to \$272 million in 1996 and then to \$497 million in 2000). The well-chronicled fundraising abuses of that period proceeded apace. And the system of campaign finance regulation enshrined in the Federal Election Campaign Act and the *Buckley* decision largely collapsed.

Shortly after the election, Norman Ornstein, resident scholar at the American Enterprise Institute, convened a small group of campaign finance experts—including Anthony Corrado, Michael Malbin, Paul Taylor and myself—to assess the wreckage from the 1996 campaign and take a stab at refocusing the reform agenda.

Previous efforts had tried to reduce the amount of money in politics, primarily by restricting political action com-



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... and 2002 ...

mittees (PACs) and limiting campaign spending. The reformers' rhetoric—too much money flows into politics, private donations are inherently corrupting, and spending limits are indispensable to a reform agenda—had proven counterproductive.

Now another reform group was counseling a different approach with a decidedly different rhetoric. Set aside PAC attacks, spending limits and demands for full public financing of all federal elections. Instead, proceed incrementally by first repairing the tears in the existing regulatory fabric. Eliminate party soft money, but make it easier for parties and candidates to raise hard money. Create a constitutionally acceptable alternative to “express advocacy” as an unambiguous bright-line test for identifying electioneering communications that would be subject to disclosure and limits on sources of funding. Restore the long-standing prohibitions on contributions and expenditures from corporate and union treasuries in federal elections. Strengthen the enforcement of campaign finance law. Provide free or sub-

sidized air time for candidates and parties. Use tax credits to encourage small donations.

Our recommendations were included in the report “Five Ideas for Practical Campaign Reform.”

Despite some lingering opposition within the reform community, the proposed agenda soon caught on. Thanks to the initiative of its president Becky Cain, the League of Women Voters was the first reform group to embrace the new approach, ultimately leading to a national advertising campaign on behalf of “Five Ideas.” Others were less enthusiastic. One prominent reformer attacked these alternatives as a Trojan horse in a Capital Hill newspaper column headlined “Beware Geeks Bearing Gifts.”

The key congressional sponsors of earlier campaign finance legislation—senators John McCain (R-Ariz.) and Russ Feingold (D-Wisc.) and Representatives Chris Shays (R-Conn.) and Martin Meehan (D-Mass.)—redrafted their bills to focus primarily on soft money and issue advocacy electioneering. Later on, senators Olympia

Snowe (R-Maine) and Jim Jeffords (R, I-Vt.) crafted an amendment to more sharply define the electioneering communications that would be subject to regulation.

The legislative odyssey from this relaunched reform agenda in 1997 to the passage of BCRA in 2002 is a fascinating tale involving daunting obstacles, frequent setbacks and the extraordinary tenacity of its prime congressional sponsors.¹

The instability of the campaign finance system after the explosion of soft money and sham issue advocacy in 1996 certainly contributed to the legislation's success. So too did key events along the way—John McCain's 2000 Presidential campaign, Senate elections that same year that increased support for reform, the Enron scandal and the 2001 change in party control of the Senate following Jim Jeffords' defection from the Republican party.

But also crucial were the shift to a more focused and achievable agenda, a new-found pragmatism and consensus in the reform community, compelling research on soft money and issue-advocacy broadcasting in the 1998 and 2000 elections and the addition of voices from groups not heard in previous reform debates. And in each of these latter cases, support from the Pew Trusts played a critical role, sometimes on its own but often in concert with the Joyce Foundation, the Carnegie Corporation, the Open Society Institute and others.

The Trusts launched its efforts on campaign finance in 1996 as part of a larger program under the direction of Paul Light to “strengthen democratic life” in the United States. To try to overcome the obstacles that had frustrated past efforts, the Trusts developed a grantmaking strategy on money in campaigns designed to encourage an incremental approach

¹This story is nicely recounted in Anthony Corrado, “The Legislative Odyssey of BCRA” in Michael J. Malbin, ed., *Life After Reform* (Rowman & Littlefield, 2003).

to reform based on nonpartisan research and data and to bring new, more varied voices into the debate.

Its initial grants bore fruit. The Trusts supported the meetings that produced “Five Ideas” and financed the public education and outreach activities of the League of Women Voters to promote the new agenda. Grants to a number of independent policy centers and universities launched the collection of a body of empirical data on the amount, sources, uses and impact of money in campaigns. The Aspen Institute and the Committee for Economic Development helped broaden support for the refocused agenda among current and former policymakers and within the business community.

Under the leadership of Public Policy Director Michael X. Delli Carpini, the Trusts in 1999 renewed and refined the strategy for supporting efforts to reform the federal campaign-finance system. Trusts-supported research on campaign advertising by Jonathan Krasno at New York University’s Brennan Center for Justice and Kenneth Goldstein at the University of Wisconsin provided crucial data both to the public, including members of Congress during their deliberations on BCRA (then known as McCain-Feingold), and to the courts when determining the new law’s constitutionality. In fact, the researchers’ findings on electioneering communications were so telling that opponents tried—unsuccessfully—to challenge the integrity of the research during the litigation.

With support from the Trusts, David Magleby of Brigham Young University assembled teams of scholars to monitor how parties and interest groups used soft (nonfederal) money to influence federal elections. Other grants were made to survey public and elite attitudes on money and politics. Together with the Joyce Foundation, Carnegie Corporation and the Smith Richard-

son Foundation, the Trusts established the Campaign Finance Institute, which convened bipartisan teams of practitioners and experts to synthesize research and make recommendations on pressing issues of money and politics.

Under the direction of Anthony Corrado of Colby College, new voices—including those of leaders of various faith traditions, ethnic and minority organizations and environmental groups—entered the debate as a consequence of the Trusts’ initiatives. Resources available to journalists covering campaign finance issues, and media coverage more generally, increased markedly as a result of these projects.

All of these efforts were designed to create an environment that encouraged an open and informed debate on campaign finance reform, a debate that the Trusts believed would eventually produce constructive steps to improve disclosure, strengthen enforcement, ban or curtail soft money and regulate issue ads intended to influence elections. The passage of BCRA clearly justified that belief and the impressive investment that followed.

Congressional enactment of the new law was as much the beginning of the journey as the end. Even before President Bush signed BCRA into law on March 27, 2002, contending forces were rushing to frame the factual and legal issues implicated by the act for its eventual review—as mandated by the law itself—by the Supreme Court.

Fortunately, the Trusts and its partner foundations fully anticipated the legal battle that would follow. A new Campaign Legal Center, directed by Trevor Potter, was launched to defend the law in the courts and to represent the public interest before administrative bodies implementing BCRA. The center provided timely public access on its Web site to all of



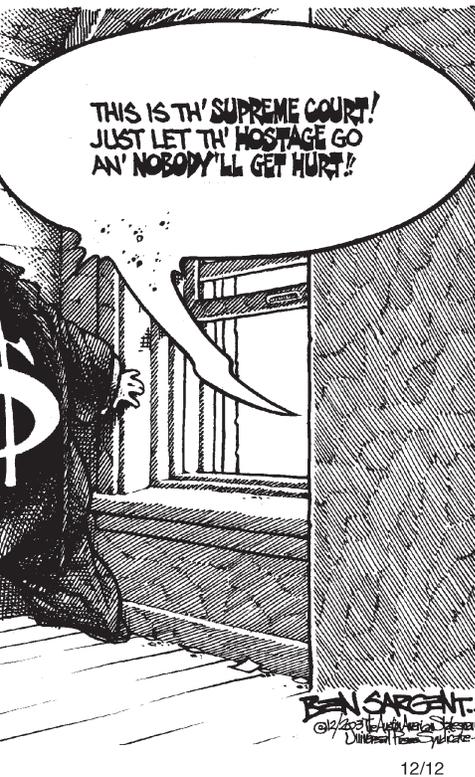
... and 2003.

the legal documents in the case, coordinated the submission of an impressive set of *amicus* briefs in *McConnell v. FEC*, and facilitated the publication of a volume presenting key testimony by expert and fact witnesses. Both the *amicus* briefs and expert testimony were cited extensively in the opinions of the District Court panel and the Supreme Court.²

The Trusts made additional grants to supplement the legal work being done in defense of BCRA by the Department of Justice and the Federal Election Commission, on behalf of the Government, and by Wilmer Cutler & Pickering, which provided *pro bono* legal representation for the congressional sponsors by partners Seth Waxman, Roger Witten, Randy Moss and other lawyers and assistants.

While the legal battle was fought primarily in the courts, the debate over the constitutionality and likely consequences of the new law took place very much in the public domain. Dozens of events featuring BCRA supporters and opponents were held in Washington and in many other places around the country.

² Anthony Corrado, Thomas E. Mann and Trevor Potter, eds., *Inside the Campaign Finance Battle: Court Testimony on the New Reforms* (Brookings, 2003).



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Newspaper editorials weighed in for or against the new law. News stories tracked the progress of the litigation and speculated about the likely outcome in the courts. Party officials, election-law attorneys and political consultants warned of the dire consequences if the Court upheld the law. Some columnists bemoaned the perversity of efforts to restrict the flow of money in politics and the associated damage to our free-speech guarantees. Others more sympathetic to BCRA responded with their own litany of “myths and realities” and provided up-to-date information on the ways participants were adapting to the new rules.

We never will know whether this public dimension of the campaign finance battle shaped in any way the thinking of the courts. Those making a principled case for repudiating *Buckley* and commencing a judicially imposed march to a deregulated campaign finance system have enlisted only two steadfast allies on the Supreme Court—justices Scalia and Thomas. For the moment, at least, the constitutional logic propounded by BCRA’s

defenders has been embraced by five justices.

But the broader public debate certainly helped set the context for BCRA’s implementation and for the consideration of additional reforms. Having lost the argument in Congress and the courts, BCRA’s critics are now heralding a parade of “horribles” that will inevitably follow. Monitoring the implementation and impact of the new law is a crucial new stage in the broader efforts to improve the campaign finance system.

The issues raised in the public debates on BCRA are far from trivial. Will political parties be weakened and interest groups strengthened? Might innocent encounters between politicians and private citizens and groups be criminalized? Will speech be chilled? Have incumbents gained yet another advantage over challengers?

Initial answers based on more than a year of experience under BCRA are reassuring. Parties appear to be adapting well to a post-soft-money world. The shakedown schemes and access-peddling by officeholders and parties have abated. Campaign speech—by

these are first impressions, not conclusions. Systematic research will provide more definitive answers as we move through this election cycle and into the next.

The eventual impact of BCRA is, at this moment, unknowable. Some of the Federal Election Commission’s initial decisions are already being challenged in the courts. Others are in the offing: for instance, how political committees allocate their voter mobilization expenses between hard- and soft-money contributions; and when “527s”—political organizations set up under Section 527 of the Internal Revenue Code to secure tax-advantaged status—must register with the Commission and abide by federal regulation. How these and yet other issues play out could make a major difference in determining whether the objectives of BCRA are achieved.

Clearly the struggle to strengthen our electoral system and heighten the legitimacy of American democracy has only just begun. Still to be enacted are other essential campaign finance reforms: repairing the Presidential public financing system, fostering electoral competition through subsidized air time and other modes of communication, constructing more effective enforcement regimes and encouraging small donations. Additional problems and opportunities will surface as money inevitably finds new outlets in campaigns. We steel ourselves for what lies ahead—but now is the time to savor an important victory. ■

Go to www.pewtrusts.org for related information on this story:

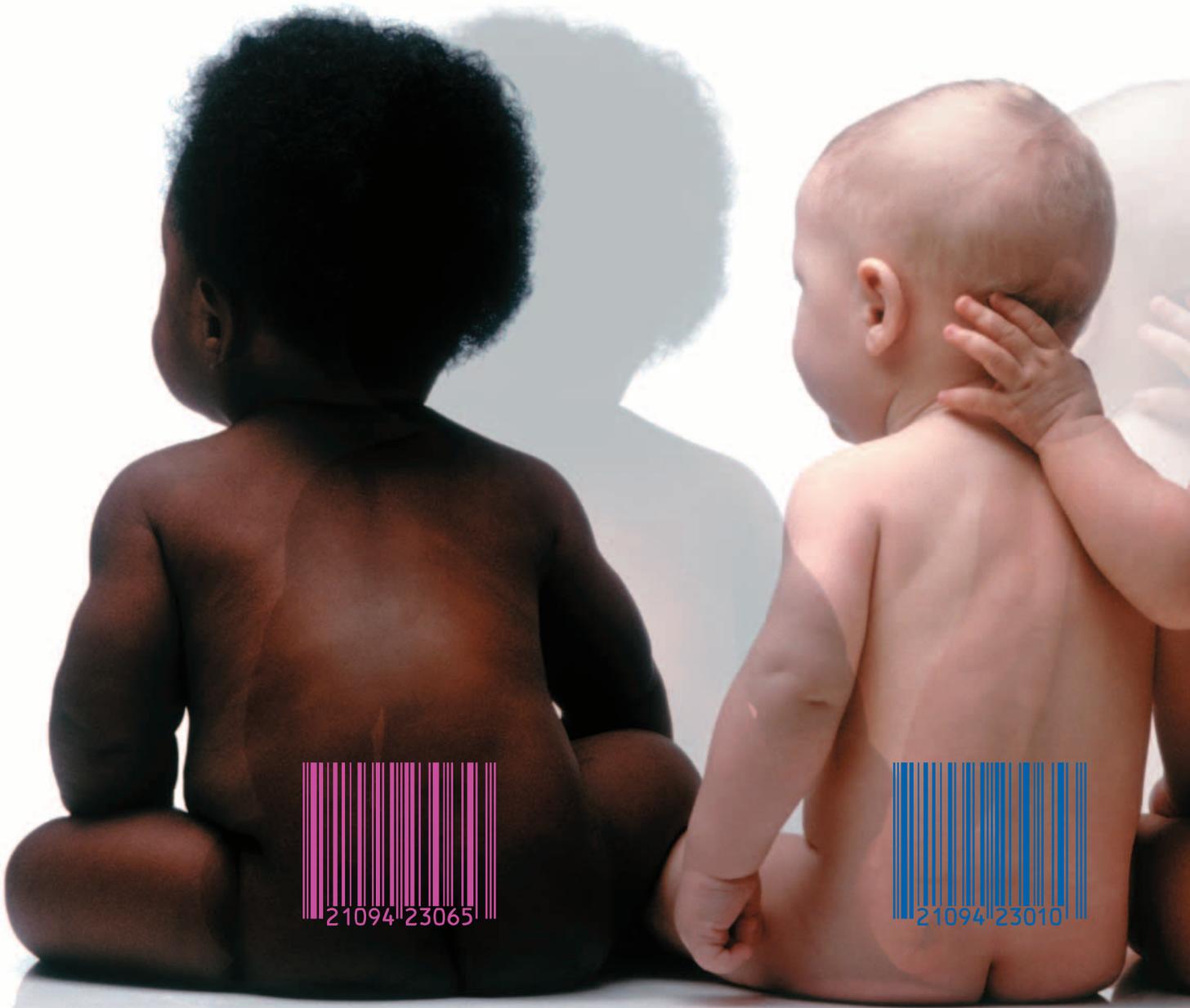
- “Five Ideas for Practical Campaign Reform”
- Life Before BCRA: Soft Money at the State Level in the 2000 and 2002 Election Cycles
- Viewpoint: Campaign Finance Reform by Norman Ornstein

candidates, parties and interest groups—is much in evidence. Small-donor fundraising on the Internet may produce a more competitive and less-encumbered politics. Of course,

Thomas E. Mann, the W. Averell Harriman Chair and senior fellow in governance studies at The Brookings Institution, was a participant-observer throughout the seven-year saga of campaign finance reform—including work, at the beginning, as a member of the group that produced “Five Ideas for Practical Campaign Reform,” which helped shape the policy agenda, and, at the end, as an expert witness for the Intervenor-Defendants in McConnell v. FEC. The opinions expressed are those of the author.

What oversight—if any—
should there be for reproductive
genetic technologies?

Looking right
of this policy
and Pub



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Custom Policy for “

into the eye
storm is the Genetics
Public Policy Center.



In an *Atlantic Monthly* article in 1971, Nobel Laureate James Watson, M.D., Ph.D., noted the “unexpectedly rapid progress” in science’s ability to routinely fertilize human eggs in test tubes. With an eye toward the cloning of humans, he asked, “Is this what we want?”

More than two decades later, his question has not only *not* been answered—it’s been broadened. Today, reproductive genetics—including the powerful new technologies associated with it—constitute one of the most visible parts of a dramatic biomedical revolution. This area of scientific discovery is still on a fast pace of development, and the breakthroughs get reported excitedly in the nation’s news.

But they also leave many Americans struggling to keep up, trying to decide how they feel about advances in one of life’s most basic, yet profound, events: having a baby. Indeed, the issues raised challenge fundamental views about life, science, technology, regulation, and ethical decision-making.

Reproductive genetic technologies have the power to shape our world for the good by offering dramatic new hope for parents struggling with a family history of genetic disease. But the very same technology that can eliminate horrific genetic diseases in children can also be used to change how they look, act or, perhaps one day, even how they think—a turn that many find profoundly disturbing.

As this science hurtles forward, it isn’t clear who, if anyone, is guiding its uses or carefully considering the consequences for individuals and society. Even preeminent scientists—for instance, Eric S. Lander, Ph.D., head of the Broad Institute of the Massachusetts Institute of Technology and Harvard University and a leader in the Human Genome Project—have worried aloud that without broader input into the policy decision-making process, scientists, physicians and biomedical companies are alone in the

Custom Kids”?”

By Sarah Madsen Hardy

driver's seat, guiding what research will be pursued and how it will be applied.

New reproductive genetic technologies have their history in the earlier reproduction revolution of in-vitro—literally, “in glass”—fertilization (IVF) technology in which egg and sperm are joined in a test tube, or Petri dish, and then implanted in a woman's womb. Though the world was startled in 1978 when scientists created the first “test-tube baby,” the procedure is commonplace today: Approximately one in 100 babies born in the United States is conceived through IVF, and the rate is rising rapidly.

IVF has been used primarily as a treatment for infertility, but the process makes it possible for clinicians to conduct genetic tests on embryos while they are accessible in the Petri dish. Today's reproductive genetic technologies include preimplantation genetic diagnosis (PGD), a process in which embryos created through IVF are tested for particular genetic diseases or characteristics.

On the horizon are the prospects of cloning, in which the genetic content of an egg is replaced with another cell that is then stimulated to begin developing into an embryo with the same DNA as the cell; and germ-line genetic engineering, which one day may allow parents not only to screen for but also to change or correct inherited genetic characteristics before birth.

Nationwide, fertility clinics and practitioners are already employing PGD. Until recently, it was used almost exclusively by couples who wanted to avoid passing down a few severe genetic diseases, but today some fertility clinics argue that it should become a routine part of IVF because it enables doctors to select embryos that potentially could improve the chances for a successful pregnancy. Some fertility

clinics are beginning to advertise that PGD can be used to select the sex of the baby.

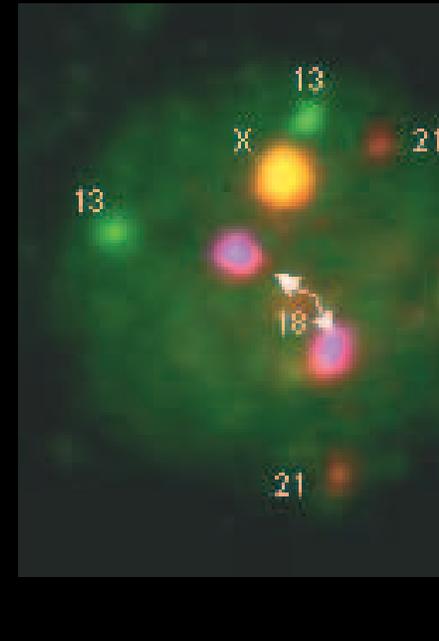
And that illustrates the dilemma perfectly. While many herald PGD as an important stride in medical progress that will help people have children who are free of disabling or life-threatening genetic conditions, others are concerned that the technology will be misused.

Especially as the number of genetic tests multiplies, those who can afford the \$12,000 per round it costs to use PGD with IVF may be tempted to screen their embryos for relatively minor genetic flaws or even preferred characteristics. If PGD has already been used to select embryos based on gender, critics argue, then there is very little stopping prospective parents and practitioners from selecting embryos based on whatever identifiable genetic traits they deem desirable.

Who is minding the store? Current oversight of genetic technologies in general in the United States is fragmented and unclear. For example, once scientists have identified the function of a particular gene, it is easy to develop a test to detect mutations in that gene; but there is no official entity that determines when a test is safe, clinically valid and ready to be offered.

Most genetic tests do not fall within the categories of tests regulated by the Food and Drug Administration. As a result, tests of questionable validity may be introduced and marketed to providers and consumers. Similarly, the oversight of the laboratories that perform the genetic tests is patchy. The Centers for Disease Control and Prevention sets minimum standards for medical testing laboratories but has yet to adopt specific standards related to genetic tests.

In addition, in our health care system, the federal government rarely steps in to specify the circumstances under which doctors might choose



The Center and

In April 2003, it came to light that certain laboratories had failed to follow recommended professional guidelines in conducting tests to determine if prospective parents were carriers for cystic fibrosis (CF).

Two years earlier, the American College of Obstetricians and Gynecologists recommended that ob/gyn doctors screen all prospective parents for the genes known to cause CF, a relatively common and often fatal disease in children born to parents who both carry the CF gene. CF carrier screening became the first genetic test in widespread use, and to date, roughly a million couples have taken blood tests to find out if they carry one of the many mutations that can lead to CF.

The professional guidelines state that a positive test for CF was indicated only when a common mutation called 5T was paired with a second mutation. Although the labs were supposed to test for 5T only *after* the other mutation had been confirmed, some labs were performing both tests at once and reporting positive tests for the 5T mutation alone.



PGD is possible because of such sophisticated microscopy techniques as FISH, or fluorescence in situ hybridization. Here, FISH, applied to one cell of an eight-cell embryo, has highlighted specific chromosomes. Courtesy of Farideh Z. Bischoff, Ph.D., Department of Obstetrics and Gynecology, Baylor College of Medicine.

the Canary

Compounding the problem, many of the clinicians who ordered the tests did not know the intricacies of the labs' testing guidelines or the significance of a positive lab report for 5T and, as a result, led some patients to believe—incorrectly—that their offspring would be at high risk for CF. Those patients who were already pregnant then had to confront difficult and unnecessary decisions about whether to pursue additional invasive and risky testing and, for some, whether to continue with the pregnancy at all.

The Center was pivotal in bringing this problem to public attention. Hudson spoke frequently with the media and, within a month, organized a symposium for experts in the field to address the problem. One result is that professional organizations involved in CF testing have begun to update their guidelines. Hudson describes CF-carrier testing as the “canary in the coal mine”—a warning as to the complexities of genetic testing and a lesson that greater attention should be paid to how future tests will be incorporated into clinical practice. ■

S.M.H.

to use a particular test or procedure. These decisions are largely self-governed with guidance by medical professional societies. In some instances, an experimental technology that has been supported by federal research dollars will require review by an ethics panel, and study sponsors must inform patients of any risks. However, since 1996, there has been a ban on the use of federal funds for embryo research, and as a result, reproductive technologies may not always be subject to this higher level of oversight.

Reproductive genetic testing raises additional issues beyond the general safety and efficacy concerns, and there is no clear arbiter of those concerns, either. For example, should parents and their clinicians be allowed to screen and select embryos based on any of the characteristics that can be tested for? Over the past two decades, scientists have become genetic code-crackers. Today, the genes that play a role in hundreds of diseases and characteristics have been identified, including genetic markers for perfect pitch, color blindness and baldness. Is it okay to screen for some characteristics and not others?

This question is at the heart of the debate over whether there should be a line between the use of genetic tests for therapeutic purposes (i.e., to screen *out* harmful genetic conditions) and their use for “preference” purposes (i.e., screening *for* certain characteristics such as gender or hair or eye color). Even if there were agreement that there should be a line, who would decide what is actually therapeutic and what is not? What about parents who want to “balance” a family of all boys with a little girl? Or dwarf parents who want a child of “average” height? Or parents who want their next child to be a tissue match for a gravely ill sibling? Or deaf parents who do not view deafness as a disability and who want a child who is deaf like them?

Some believe these are decisions for families to make in consultation with their doctors. Some believe these decisions should be left up to God. Some believe there is a role for government. Others do not want the government involved in such personal and private decisions. At their most candid, many would even say “a little bit of all of the above.”

In 2001, the Trusts decided to launch an initiative to explore the need for and interest in the creation of an oversight mechanism that can guide decisions about the use of reproductive genetic technologies, and in 2002 made a grant to the Phoebe R. Berman Bioethics Institute at The Johns Hopkins University to create the Genetics and Public Policy Center (GPPC).

“Many nations have undertaken a detailed evaluation of the policy needs in this rapidly advancing field, conducted far-reaching public consultations and, in some cases, adopted new laws and regulations. In the U.S., there is a policy vacuum. The fact that someone didn’t come in and occupy this niche before the GPPC was created is sort of stunning,” says Kathy Hudson, Ph.D., the Center’s director.

Hudson, who earned her doctorate in molecular biology, not only understands reproduction science but also is a recognized leader in the public policy issues raised by human genetics research. She previously served for six years as assistant director of the National Human Genome Research Institute under Francis S. Collins, M.D., Ph.D., where she shaped and directed the successful public and media communications efforts of the Human Genome Project; and she was a policy analyst at the U.S. Department of Health and Human Services before becoming director of the Center.

Hudson also appreciates how hard it is for the average person to keep up with a cutting-edge field. Fifteen years

ago, as Hudson was busily sequencing DNA in the lab, she herself wondered about how policymakers in Washington were making decisions about this incredibly, and increasingly, complicated area of science.

After finding herself looking up genetics policy in the government documents section of the library one too many times, she applied for a Congressional Science Fellowship, which funds scientists to work for a year in a congressional office and bring their expertise to relevant policy issues. She went to Washington and never left. “I caught Potomac fever,” Hudson says with a shrug and a smile.

The Center has become an important resource for the media, stakeholders and policymakers both within and outside Washington. When a team of South Korean scientists reported in February that they had successfully cloned a human embryo for the purposes of stem cell research, CNN tapped Hudson to appear on *Headline News* to explain the significance of this development to its audience, as did NPR on *Talk of the Nation*.

When in June of 2003 the Center raised questions about the unknown long-term health outcomes of children conceived through assisted reproductive technologies, the two medical groups most closely connected with this technology agreed to work with the Center to find answers. And the information and discussion at a GPPC forum on problems with genetic testing for cystic fibrosis (see box, pages 10-11) helped prompt the U.S. Food and Drug Administration to consider requiring additional oversight of new genetic testing techniques.

As the media and experts speculate about where advances in reproductive genetics—both real and imagined—might lead, many worry that policymakers will be tempted to react with sweeping new mandates



The reproduction technology PGD is giving parents power to select the genetic characteristics of their children. Is this a power parents should have? Should there be limits to its uses? Are current regulations and oversight sufficient? The Genetics and Public Policy Center convened a panel of leaders in Washington, D.C., last January to address such questions.

or prohibitions that do not take account of all the interests at stake.

The Center is creating ways in which these interests and concerns, including those of the American public, can be articulated. It is conducting a series of ambitious public-opinion research projects that are providing policymakers, the media and others with important insights into how segments of the American public view reproductive genetic technologies and what role, if any, they believe the government should play in regulating them.

Its first survey, released in December 2002, revealed significant agreement on certain issues and distinct divisions on others. For example, 66 percent of respondents approved the use of these technologies to avoid having a child with a serious genetic disease, but 70 percent thought it wrong to use them to select socially desirable

traits such as height or intelligence.

Most respondents—including majorities of Republicans, Democrats and Independents—said that the government should regulate the quality and safety of reproductive genetic technologies. Just over half of Americans view these technologies primarily in terms of health and safety, while another third view them primarily in moral or religious terms. Those who view them in terms of religion and morality are more likely to disapprove of them. Men are twice as likely as women to be in favor of cloning and more “extreme,” if currently impossible, applications of reproductive genetic technologies, such as engineering a person’s athletic ability.

The Center also conducted a series of focus groups and one-on-one interviews with specific subsets of the American public, including religious Americans and people who have special

experience with reproductive genetics, such as medical professionals and patients who have decided for and against using the technologies in question.

This research revealed that those with reservations about where reproductive genetics might lead have many different reasons for their hesitation—among them, parents' unrealistic expectations of a "perfect child"; potential inequities in access to the technology, leading to deeper divides between classes and races; the difficulty of enforcing regulations that might just drive technology underground; and decreased motivation to cure or treat diseases that can be screened out in vitro.

Currently the Center is conducting a series of small-group and online discussions with a representative sample of Americans to learn whether and how people's thoughts about reproductive genetic technologies and possible oversight mechanisms change after they have been given the opportunity to learn and think more deeply about the science and hear the issues debated.

In addition to its public opinion research, the Center is working with many groups that have a significant interest in the development and use of reproductive technologies. These groups include disease-specific organizations for which these new technologies may promise cures, the disability community for whom these technologies pose the specter of eugenics, women's organizations, those concerned about race and genetics issues, those with strong pro-life and pro-choice positions, health-care providers and others.

One of the Center's primary objectives is to develop a series of policy options that decision-makers in both the public and private sectors might turn to as they consider vari-

ous ways to guide the development and use of reproductive genetic technologies. To inform its work on these options, the Center has assembled a Reproductive Genetics Advisory Committee, which is made up of leaders from science, law, bioethics, theology, industry, sociology, public policy and medicine.

So far, this committee has been asked to react and respond to the Center's first set of draft policy options which focused on the use of PGD. "Ordinarily, you would think the members of this committee would sit on opposite sides of the table and stake out their positions," Hudson says, "but the fact is that each contributes his or her sincere perspective in non-posturing conversation. They enrich our work enormously."

"The Center's goal is to lay out the options free from bias. That helps us to hear each other's voices in good faith," says committee member C. Ben Mitchell, Ph.D., senior fellow at the Center for Bioethics and Human Dignity. "The disagreements we experience are a microcosm of the disagreements in the larger culture—and the unity there as well. I'm convinced that by asking the right questions, consensus can develop."

Joe Leigh Simpson, M.D., chair of obstetrics and gynecology at Baylor Medical School and co-director of Baylor's PGD program, agrees: "We need a neutral broker, and the Center seems to be doing a good job, bringing in the players over a diverse breadth of expertise and listening without an agenda."

In January, the Center unveiled its preliminary report on PGD policy options in an event called "Custom Kids: Genetic Testing of Embryos." The event included a panel discussion with public figures and experts, including former House Speaker Newt Gingrich and Bernadine Healy, M.D., former director of the National Institutes of Health.

Following the forum, GPPC posted its draft policy options to its Web site for additional comment and feedback and also plans to vet them with a cross section of the American public as part of its public opinion work before finalizing them for release this fall. Over the coming months, the Center plans to release a series of policy options for other reproductive genetic technologies.

Leon R. Kass, M.D., Ph.D., chair of the President's Council on Bioethics, has praise for the Center's unconventional approach. "By gathering information on public opinion, the Center is helping to make visible the important new ethical challenges society will increasingly face from the fusing of reproductive technologies and genetic knowledge," he says.

Opinion data "don't substitute for ethical reflection and political debate," Kass cautions, but he expresses optimism that by clarifying the fault lines in public opinion and then laying out policy alternatives, the Center's work will help focus public deliberation and move the policy process beyond "business as usual."

Though only two years old, the Center has "more influence than you might think," according to PGD practitioner Joe Leigh Simpson. "Most foundations have less influence than they hope for because they find their own initiatives in competition with the NIH for public attention," he explains. "By contrast, the Center seems to have the field to itself." ■

The Genetics and Public Policy Center is located at 1717 Massachusetts Avenue, NW, Suite 530, Washington, DC 20036. Its phone number is 202.663.5971. Its Web site, www.DNApolicy.org, contains genetics issues, policy concerns, polls and research, and offers the run of its quarterly newsletter.

Sarah Madsen Hardy writes on a variety of issues from her home base in Somerville, Mass.

*Consumer WebWatch
is your friend online.
Don't go virtual
without it.*

Before You Get Bu

By Steve Twomey

Bill McGee isn't traveling anywhere, but Priceline.com doesn't know that. It doesn't even know he's Bill McGee. On this particular day, the online ticketing site thinks he is a Charley Bell, in quest of a cheap flight from Boston to Tampa a few days hence. Moments later, McGee morphs into *Robert Bell*, seeking a Priceline deal to Phoenix from Baltimore, followed by *Nicholas Bell*, who wants a seat from Pittsburgh to New Orleans. Tapping at a computer at an office just outside New York City, McGee creates personas as he goes, enjoying the white-lie names. "The Bell family," he says, "is very large."

Simultaneously, at keyboards in California and elsewhere in New York, five more people are posing as travelers they are not and seeking tickets they won't use, picking the same dates and destinations as the ubiquitous Bells and other characters McGee conjures. None of the companies realizes it, but six giants of Web travel booking—Expedia, Hotwire, Orbitz, Priceline, Quikbook, Travelocity—are going head-to-head to see which offers the most attractive deal when given identical parameters.

As each fictional request is made and each site replies with possible fares and flights, testers print the screen pages. "So we have a record later," McGee



says, should the companies raise doubts or questions after the findings are published. It is a contest months in the making, not only to ensure comparisons are apples-to-apples, but also to guarantee that no Web site can, in mid-test, trace the requests to their true source—Consumer WebWatch, a project of Consumers Union.

Operating from Consumers Union's Yonkers, N.Y., headquarters, the non-

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profit research organization that is its parent, WebWatch has a modest full-time staff—just four (McGee is a consultant)—but mammoth ambitions. With no more than publicity and persuasion as tools, the project is shedding light on Web practices and prodding sites toward more openness about who they are, how they operate and what deals they make with third-parties for preferred placement or links. As WebWatch succeeds—and the road is long—consumers may feel more comfortable when they head to cyberspace to find a hotel room, buy a book, research an illness, plan for retirement or do any of a thousand tasks they can now do alone, without telephoning or visiting anyone.

Getting the best fare to Hawaii, for instance, used to mean calls to multiple air carriers. It meant minutes on hold, listening to orchestral versions of The Carpenters. It meant giving the same travel details to numerous agents. Now a buyer needs only a computer, a modem and a Web address and, in seconds, can compare a plethora of fares, flights, dates and times rounded up by one of the online services.

Except . . . how do those services get that data? Are they searching all airlines, or only those with which they have relationships? Are they displaying dates and flights in the order that most closely matches the request, or

The screenshot shows the priceline.com website interface. At the top, there are navigation links for 'Sign-In', 'My Profile', 'My Trips', 'Help', and 'Check Your Request'. Below this is a banner for 'BARNES & NOBLE' with 'FREE SHIPPING' and a 'CHECK OUT' button. The main content area features a search bar and a 'Find the Perfect Gift in Our Mother's Day Collection' banner. On the right side, there is a 'CONSUMER WEBWATCH' sidebar with the tagline 'Building Trust on the Web' and the date 'WEDNESDAY, APRIL 28, 2004'. The sidebar includes sections for 'News', 'The Pledge', 'Newsletter', and 'Investigations'.

giving priority to carriers that have paid them a fee? Are they making the lower prices clear, or burying them in the displayed results, deeper than most consumers go? Is there, in one way or another (in McGee's words), "disturbing evidence of bias"?

"We're seeking to pierce the veil of sites that say they give objective information," says Beau Brendler, WebWatch's director.

The airline test is but one way WebWatch has been trying to "pierce the veil" of the Internet since the project began in 2001 with \$4.8 million in support to Consumers Union from The Pew Charitable Trusts, the John S. and James L. Knight Foundation and the Open Society Institute. Much of the early emphasis has been on encouraging Web businesses to adopt standards of good behavior, some as simple

as stating who owns the site and where it is. But the project has also commissioned studies to help businesses understand how consumers use the Web and how they want to be treated there, and it has delved deeply into hotel-booking, auto insurance and health sites to determine if consumers are getting good deals or data.

WebWatch does not dispute that the Internet is a marvel of democracy, where anybody who can pay a Web server can have a Web site, and anybody with a computer can read it. Alongside the bricks-and-mortar world, there is now one that exists on desktop or laptop, where services are offered, products sold and advice is given, making it far easier to scratch something off a "to do" list or get smart about a problem or issue.

Many sites bear the familiar names of real-world companies or organizations, which have merely opened

online outlets. Consumers know their reputations and know where to find their stores or offices. Oft-times, though, it is a mystery who is selling a product or giving advice, what expertise they have or how they make money. It can be difficult, too, to know if a site sells e-mail addresses or other data to third parties, which might send forth spam. And there might not be an address for returning merchandise or a phone number for asking questions. Consumers online lack “access to molecules”—humans and buildings, says Denise Caruso, a former technology writer who, as a Trusts consultant, did the original work that gave birth to Consumer WebWatch.

Imagine, Brendler says, that “I’m a 17-year-old boy with a ‘social disease.’ I don’t want to tell my parents about it. I can’t really go to my doctor without my parents finding out and, depending on local laws, the doctor might have to inform my parents anyway.

“So I read a bunch of sites, try to figure out what I need for my problem, then go to one of these growing numbers of sites that sell prescription drugs without a prescription. Maybe I think I’m fully informed by reading the Web about drug interactions, proper dosage and so on. But I’m able to find a site that can sell me what I need. And so maybe I get an antibiotic. But it’s been manufactured in Mexico or India with second-rate ingredients and factory oversight. And so on and so on.

“The point is the Web is a wonderful convenience. But it can remove a number of checks, balances and safeguards.”

In the two weeks after the anthrax attacks of 2001, 23 Web sites sprang up offering Cipro, the best-known treatment. None required a prescription, Brendler notes, and there was “no guarantee the stuff you’re buying hasn’t been sitting in a warehouse for 10 years.” Not long ago, Caruso, who lives in San Francisco, ran out of

a seasoning she had brought home from a trip to Boston. She found Web sites for it. But they were “just these weird, no-name boutique-y gourmet ‘shops’ that didn’t bother to tell me where they were, or who they were, or anything that would give me a clue whether I should type-in my credit card number,” says Caruso.

Moreover, the line between unbiased data and promotional slant can smudge on the Web. Newspapers, magazines and television have developed traditions of demarcation between news copy and advertising. (They seem to push that line more and more, though.) But a Web consumer can come across a book review that suggests clicking *here* to buy the book from an online dealer. What the consumer doesn’t know, Brendler says, is that for every copy sold via the link, the dealer gives the reviewer seven percent of the sale. “Don’t you think that might compel me to (a) only review books that I’m fairly sure people are going to want to buy, and (b) only review good books or give good reviews to every book?”

Such hidden arrangements and fees are routine. Researching a disease, a Web user might come across a page of sober medical discussion that notes in passing that a certain drug has proven effective in treating the illness. But there is no indication the page and the drug have a tie: Both are creations of the same pharmaceutical company. Looking for a good car rental price, a consumer might obtain a host of choices from a site. “What they’re really giving you,” Brendler says, “is the lowest price among a group of favored business partners.”

In one study WebWatch reported that 17 volunteers who regularly use Internet search engines were unaware the sites often display results based on fees. For the study, the volunteers asked 15 search engines for health,



travel and other data, and selected 163 of the displayed links. Almost all of their choices were on the first page of results, and 40 percent of the choices were labeled “sponsored” or “featured site,” meaning the sites had paid the search engine. But, Webwatch said, “very few participants” noticed the label, and “each participant expressed surprise” when told what it meant. One woman said, “Oh, I’m such a sucker!”

Jakob Nielsen, a member of WebWatch’s 26-member board and holder of numerous patents for making the Web easier to navigate, says too many sites are “just not treating people reasonably, and it’s very confusing and frustrating for users to be in this world.” It is “an unpleasant environment where you never feel safe and you always feel hustled.” In a survey WebWatch commissioned called “A Matter of Trust: What Users Want

...ruffins, low-fat cookies, low-fat brownies, and low-fat scones. Desserts are organic, vegan, heart-healthy and guilt-free.

...ffins | pancake/waffles | gluten-free | order

...ts | nutrition | recipes | news | faq | about | contact | links

view/basket | checkout

Get a free Quote on a:

New Acura MDX Start

Login Feedback Español Forums Newsletter

New at a free price guide

...rch Pre-Owned quality used vehicle

...rming today's choices shaping tomorrow's world

...hives

SEARCH

New Product Reports

Water-Saving Appliances **FREE**

Computers **FREE**

Tea **FREE**

Baby Bottles

Paint

Bottled Water

Inter Activate!

Make a world of difference, express your values through actions.

You've got one message! Recycle your ink cartridges and cell phones here. [Click here.](#)

GG Poll

Was fuel efficiency a factor when you bought your car?

One of top three factors

One of top five factors

Not a top factor

Not a factor

I don't own a car

vote

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the cause of problems, there has been “a chilling effect” on the Internet’s information and commercial potential, Brendler says.

Maybe not very chilling, though.

According to Forrester Research, online sales rose 48 percent in 2002, to \$76 billion, and then proceeded to rise 51 percent in 2003, to some \$114 billion. It cited one analyst who said online sales were growing far faster than catalogue sales did in their day. WebWatch’s own Princeton Associates survey found, moreover, that “online users’ low ratings of Web site credibility do not stand in the way of people going online.” In fact, 75 percent told the survey they shop on the Web and 73 percent provide personal data on the Web, whatever their expressed distrust of the medium.

That is not, of course, the only chasm ever to appear between what people say and what they do. Technology consultant John Hagel told *The New York Times* that online shoppers might say that a privacy policy is important, but then not check a Web site for one. What matters more to them, Hagel says, is what always matters in business: Does the company deliver a good product or service?

Capitalism, indeed, works in Darwinian ways with bad practices, whether or not there are projects like WebWatch to highlight them. But even if market forces would whip the Web into shape, Caruso says, “Wouldn’t it be nice, for once in the history of the world, if we didn’t have to wait until a million people got burned?”

The Federal Trade Commission, for one, is not waiting. In a June 2002 letter to several major search engines, it warned them to make sure they provide adequate disclosures when they have paid placements; the letter cited WebWatch’s research at length. WebWatch’s consumer surveys have been “very useful to us,” says Heather

Hipplesy, associate director of the FTC’s division of advertising practices. “We very much embrace efforts that are being made for best practices,” she adds. “We can’t do everything.”

One Web site that is a vision of good practice is—no surprise—WebWatch’s own, www.consumerwebwatch.org. It clearly states the project’s goals, sponsorship, privacy policy, physical address, phone number and other components of the WebWatch “pledge,” composed of five broad guidelines. The most important of these is “advertising and sponsorships,” and urges sites to “clearly distinguish advertising from news and information” and to disclose “paid result-placement advertising, so consumers may distinguish between objective search results and paid ads.” Caruso says the idea is not to end financial relationships, but to give context. Is an airline paying a search engine to have its fares displayed first? “Fine,” Caruso says, “just tell me you took money for it.”

The guidelines, however, confront a devilish problem. WebWatch has no power to force businesses to adopt them. It can only praise those that do. Once in 10 newspapers and twice in only *The New York Times* and *The Wall Street Journal*, the project has purchased ads that listed sites that have “taken the pledge” and passed muster. Getting the imprimatur is an incentive, because business sites know consumers follow recommendations of Consumers Union, the parent of WebWatch. Others are probably following most or all of the guidelines without even knowing that WebWatch has developed a formal list.

Its other major efforts have been consumer surveys and investigations similar to McGee’s. Along with ConsumerReports.org and *Consumer Reports* magazine, WebWatch reported in October 2002 on auto-insurance sites. Testers posing as a couple from Santa Monica, Calif., were given price quotes that “were generally higher

from Web Sites,” Princeton Survey Research Associates found that only 29 percent of consumers trust sites that sell products, and only 33 percent trust those that provide information about purchases.

It’s not that most Web sites seek to deceive or confuse, Nielsen and others say. They just don’t realize consumers might want to know about relationships with sponsors or be able to find an address or privacy policy. “A large number of companies are reasonably ethical,” Nielsen says, and when asked to change a bad habit, “they’ll obey.”

Beyond that, sites face “tremendous pressure to get the advertisers into the message and make that line as blurry as possible,” so money can be made, says Michael Daecher, vice president for content for the research site About.com. And the technology makes getting ads into editorial copy as easy as clicking on a link. Whatever



than those found on the California Insurance Department's Web site." Using WebWatch's five guidelines, the investigators gave "e-ratings" to six insurance sites, finding that only InsWeb.com was "useful." The others either took time to deliver results, operated in a limited number of states, offered a limited number of quotes or poorly disclosed business relationships and other data.

McGee also led a team that found pluses to booking a hotel room online. Using Expedia, Hotels.com, Lodging.com, Orbitz and Travelocity, the testers found that, 85 percent of the time, at least one of the five services came up with a better room rate than the travel agent system. Travelocity in particular did well, coming up with the lowest rate in 29 percent of the tests, comfortably higher than any competitor.

Of course, that means that in 71 percent of the cases, Travelocity's hotel room rate wasn't the lowest. A consumer who shopped there and nowhere else would pay more than necessary most of the time. Given the same dates and cities, some of the five booking sites found no availability, even as competitors found 11 or 12 possibilities. That suggests commercial arrangements: If a Web site's hotel partners had nothing available, the search concluded there were no rooms, because it wasn't looking outside its universe. Moral? Consult multiple sites. That wasn't supposed to be essential, given the Internet's ability to gather data in one place quickly. "It's quite clear that the consumer is not being offered the maximum benefits of such technology," McGee wrote.

WebWatch publicizes much of its work in conjunction with Consumers Union, whose magazine has four million subscribers and its Web site a million. The project

also relies on coverage by newspapers and television. But Scott Silverman, executive director of Shop.org, a division of the National Retail Federation, says he does not hear much chatter about WebWatch among his members. Nielsen, a project advisor, suggests the project be likened to a tugboat pushing a supertanker: "The Web is really big. It's going to take a while."

About.com is one of the companies that has taken the WebWatch pledge and been publicized in newspaper ads. But the site did not detect a surge in "hits" after those ads appeared, says Daecher, the vice president for content. In fairness, the About site gets so many visitors—16 million a year—it would take a great deal of new traffic to produce a spike. But About's experience suggests that placing an occasional ad in newspapers does not produce waves of response.

An Internet analyst says Web change will come only if substantial numbers of consumers shun companies that have bad practices. But consumers are not demanding that sites follow the WebWatch guidelines, the analyst said, so businesses "don't have any incentive."

They may get more. *Consumer Reports* has incorporated Webwatch's guidelines in its e-ratings, used to assess more than 175 Web sites in 19 categories. (*Consumer Reports Online* has the greatest number of paid subscribers of all Internet media sites.)

And the organization is considering applying WebWatch's systematic mix of research, guidelines, ratings and outreach to improve consumer practices among "off-line" businesses.

In addition, WebWatch has developed into a successful convener. One meeting brought together some 130 industry representatives, federal policy-makers, journalists and advocates to discuss Web credibility. And, with the American Accreditation HealthCare Commission, WebWatch gathered online health leaders to identify ways to improve the effectiveness of health searches on the Internet.

Each day, the WebWatch site gets 1,300 unique visitors, or nearly half a million annually, Brendler says. And he believes businesses *are* sitting up and taking notice. "Every time we do one of these reports that is performance-based—11 so far—we get a bigger and bigger response," he says. In addition, 154 companies had taken the pledge by January, including Barnes & Noble, *The New York Times*, Travelocity and Orbitz. As Brendler notes, "Somebody's taking us seriously." ■

WebWatch's site, www.consumerwebwatch.org, contains news, cautionary tales and resources pertaining to Web credibility, consumer protection, privacy and other related issues. It also lists organizations and government agencies that accept complaints of Internet fraud.

Steve Twomey won a Pulitzer Prize at The Philadelphia Inquirer in 1987 for his profile of life aboard an aircraft carrier. He is now a freelance writer.

The Art of Arts Fellowships

Fine-Tuning a program that offers one of the nation's largest awards for individual artists.

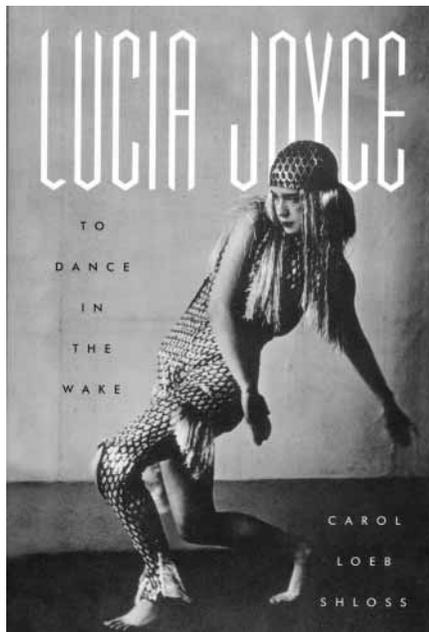
By Janet L. Krull and Nichole S. Rowles

Each June, the Philadelphia art world, and beyond, pays attention to the announcement of artists recognized by the Pew Fellowships in the Arts (PFA is a project of the University of the Arts)—partly because the award is substantial and prestigious, and partly because of the excellence of the fellows chosen since PFA was established in 1992.

PFA is one of the Trusts' seven Artistic Initiatives, which were designed collectively to improve and expand the caliber of local cultural programming. PFA contributes to this overarching goal by offering substantial financial and professional support to a wide range of individual local artists. Applications for fellowships are accepted across 12 artistic disciplines and are reviewed by panels of distinguished artists and arts professionals from outside the region. Those chosen receive \$50,000 grants to enable them to dedicate themselves full-time to artistic exploration and production.

During PFA's 10th anniversary, the Trusts' Culture program and Planning and Evaluation department embarked on an evaluation to examine whether PFA was meeting its programmatic objectives and, with this knowledge, to determine what refinements might make a stronger program. The Trusts had three goals for the evaluation: to understand the impact of PFA on its fellows, who number 174 as of June 2004; to assess the "value added" to both the local arts community and Philadelphia as a whole; and to hear what changes would improve the program's impact on the fellows and the Philadelphia arts community.

To perform the evaluation, the Trusts selected Dvora Yanow, Ph.D., professor and chair of public administration at California State University



'94 fellow Carol Schloss's *Lucia Joyce: To Dance in the Wake* (Farrar, Straus & Giroux, 2003) was nominated for both a Pulitzer Prize and a National Book Critics Circle Award.

at Hayward, an expert in qualitative research methods and evaluation of organizational impact and effectiveness. Yanow conducted in-depth interviews with fellows from every cohort, 85 in all (a response rate of 63 percent among those she was able to contact). She also interviewed 32 local and national cultural leaders, PFA applicants who were not chosen as fellows, and past members of PFA selection panels. She supplemented information from these interviews with an analysis of PFA reports and publications, prior evaluations and other relevant documents.

KEY FINDINGS

Programmatic and Operational Strengths

Inclusiveness

Fellows and cultural leaders alike complimented PFA for awarding fellow-

ships in 12 disciplines: choreography, craft arts, folk and traditional arts, fiction and creative nonfiction, media arts, music composition, painting, performance art, poetry, scriptworks, sculpture and works on paper—a reach that is comprehensive and encompasses newer forms of expression.

Because fellowships are awarded in three disciplines each year, each cohort group meets artists in other fields, leading to exchanges of information and sometimes collaborations. Fellows appreciate the application process, which is open rather than nomination-based, and available to artists at any stage of their career.

Flexibility

Fellows determine when to begin their fellowship and whether they want to extend the award over one or two years. They are not held to predetermined deliverables at the end of their term, but instead may use the fellowship to pursue their artistic development wherever it leads. Fellows say that PFA "treats its award recipients as adults" by recognizing the unique and unpredictable nature of the creative process.

Substantial Award

The \$50,000 award is one of the largest fellowships in the country. PFA has awarded \$8.6 million since its inception.

Rigorous Jury Panel Selection and Management

PFA selects distinguished artists, curators and arts leaders from outside the Philadelphia region to serve as panelists who choose the fellows, and their own reputations lend the program credibility and prestige. Because panelists live beyond the local area, judging is perceived to be objec-

tive and fair in what could otherwise be construed as a very subjective process. Former panelists commented that they had never before been so well prepared for a panel process.

Arts leaders acknowledged the clarity of the criteria by which applications are judged. In the words of a museum executive, “The ideals of wanting to support creativity [are] front and center.”

Effective Administration

PFA staff—Director Melissa Franklin and Program Associate Christine Miller—were repeatedly singled out for an outstanding job of directing and implementing the program, creating a presence for PFA in the Philadelphia region, representing PFA to a wide public and interacting with artists and the arts community locally and nationally.

Impact

On Fellows

By enabling artists to devote significant time to their creative work, the fellowship program has positively affected the recipients’ artistic development. Fellows reported being able to experiment with new techniques, take on larger or more complex projects, work with new media, collaborate with other artists and build their portfolios. In some cases, this enhanced productivity resulted in sales, commissions and gallery representations.

Fellows’ subsequent honors are noteworthy and speak to the quality of artists who have received the award: for instance, orchestra commissions, performances in the Lincoln Center Jazz Series, participation in the Whitney Biennials, solo shows in New York City, the National Treasure Heritage Award and fellowships from the John D. and Catherine T. MacArthur Foundation and the John Simon Guggenheim Memorial Foundation.

On Culture in Philadelphia

PFA has contributed to the vitality of Philadelphia’s cultural community by increasing innovation, production and efforts across disciplines and helping fuel a broader and higher-quality array of artistic offerings. As described by one national arts leader, “All artists, whether they get money in their bank account or not, are benefiting from the extraordinary programming supported and enabled by Pew. [PFA] has a broader impact than just on the individual level.”

Through a listserv, a semi-annual newsletter and www.pewarts.org, its Web site, PFA makes fellows aware of the work of their peers in the Philadelphia area. Former fellows have noted that PFA enabled them to explore arts beyond their own discipline and establish collaborations with other artists, some of them fellows themselves.

Arts community leaders mentioned that PFA contributes to the trend that is keeping local art schools’ graduates in the city; they want to stay and be part of this vibrant arts scene and, in the meantime, fulfill the two-year local residency needed to become eligible for the PFA.

On PFA and the Trusts

Local and national arts leaders and grantmakers regard PFA as a well-designed, well-administered initiative that has contributed to the increase in high-quality, diverse arts offerings in Philadelphia. National funders especially noted the objectivity and rigor of PFA’s selection process and the use of nationally prominent panelists.

Early on, evaluation participants referred to PFA as “on the cutting edge” and “ahead of its time.” It should therefore come as no surprise that PFA has been perceived as a model for other arts-awards programs. In Philadelphia, several local funders described the Trusts’ support for PFA as a factor in helping legitimize their

Linsey Bostwick



From top:

House of No More (2004) by '02 fellow Caden Manson's Big Art Group.

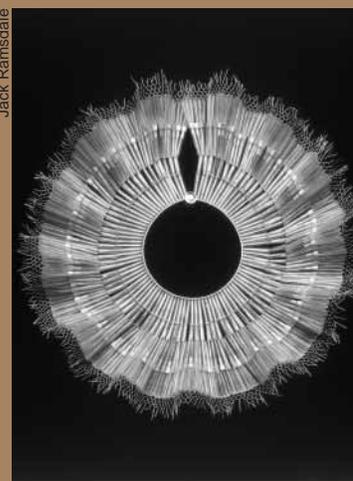
From '02 fellow Thaddeus Phillips's theater piece *The Earth's Sharp Edge*, 2002.

'03 fellow Jan Yager, *American Ruff* (found plastic crack vials and caps, beads of cast sterling silver in tire-tread texture, USA and Canadian dimes, sterling silver wire, 21" diameter, 2000).

'02 fellow Whit MacLaughlin's Pig Iron Theatre Company, *Shut Eye* (2001).



Jack Ramsdale



Jason Frank Rotherberg





From top:

The Fab 4 Reach the Pearly Gates (2000) from '02 fellow Whit McLaughlin's *New Paradise Laboratories*.

'03 fellow Sarah McEneaney, *Mango Dream* (egg tempera on wood, 18" x 30," 2002), collection of William and Cheryl Geffon.

'94 fellow Eileen Neff, *Almost*, November 21, 2000 (ink jet print, 56" x 41," 2001).



work; in particular, these grantmakers reported that PFA's success strengthened the case within their own organizations for investing in individual artists.

RECOMMENDATIONS

Strengthen Identity

PFA creates a cohort of artists from a geographically bounded region, enables them to step away from their normal work schedule (e.g., teaching) and brings them together in a common situation that offers a nascent identity. Yanow recommended that this aspect of the fellowship be strengthened, especially since the award reinforces the artists' confidence and provides them with a sense of community in an otherwise isolating profession.

In addition, by providing more opportunities for fellows to come together, PFA could encourage them to interact with one another, mentor newly appointed fellows and serve as informal program ambassadors. Cultivating the fellows' identity could be accomplished through regular gatherings and various communications efforts.

To this end, PFA has implemented a semiannual newsletter that features articles focusing on past and present fellows and listings of their activities, such as productions, exhibitions and publications.

Enhance Professional Growth

To ensure that the fellows get the most out of their award, Yanow recommended that PFA draw upon former fellows and experts in relevant fields to participate on panels about such issues as planning for the fellowship and tax and financial concerns. Workshops on grantwriting and career development would help position fellows after their fellowship.

In response, PFA plans to establish a peer-to-peer mentor program that would connect new fellows with previous ones. PFA also plans to investigate

potential partnerships with local institutions to provide the fellows technical assistance.

Assess Communications Strategy

PFA's most important constituents are local artists and Philadelphia arts leaders and funders, and so materials and dissemination tactics should be designed with these stakeholders' information needs in mind. For example, it is important that local artists be aware when their respective disciplines are the categories up for consideration. The aforementioned newsletter, which is distributed to the entire PFA mailing list of 2,800 individuals and organizations, provides ongoing opportunities to restate the processes and objectives of PFA.

In addition, PFA is re-examining its overall communications strategy to ensure that clear messages about the program and its application process are effectively reaching its target audiences.

Gather More Information

A more robust array of data will help PFA more fully understand how its own work benefits individual artists and the community—and will help the Trusts collect facts on PFA's progress. Currently, new fellows complete an "entrance" questionnaire; it could be fleshed out to bring in more data about the artists' lives and work. By adding an "exit" questionnaire and regular follow-up interviews for each cohort—say, every five years—a much more detailed picture of the immediate and long-term consequences of PFA would emerge.

Working with Planning and Evaluation, the Culture program and PFA are in the process of designing a tracking plan and developing a feasible, cost-effective means of regularly collecting data through these mechanisms. ■

Janet Kroll and Nichole Rowles are officers in the Planning and Evaluation department at the Trusts.



Emily Berardino



Mom

ADVANCING POLICY SOLUTIONS

Education

Early Education

Rutgers University Foundation
New Brunswick, NJ, \$3,600,000, 1 yr.
Contact: W. Steven Barnett, Ph.D.
732.932.4350 x238
www.nieer.org

The National Institute for Early Education Research at Rutgers University (NIEER) provides rigorous, relevant and objective information to inform state and national debates on quality preschool for all 3- and 4-year-olds.

Among its activities in the coming year, NIEER will analyze the costs of early education derived from a six-state investigation, explore the economic investment benefits of preschool and publish the results of the first randomized trial of the impact of high-quality preschool on middle-class children. It will then communicate these and other research results to the public, media and policymakers.

NIEER will also publish the second installment of its annual yearbook on state pre-K policy, which details the status of preschool programs in all 50 states and the District of Columbia—the most comprehensive data compilation of its kind. In addition, NIEER will develop briefs and research papers that inform policymakers, the media and the public on investments in quality prekindergarten for all.

Environment

Global Warming and Climate Change

Strategies for the Global Environment, Inc.
Arlington, VA, \$3,400,000, 1 yr.
Contact: Eileen Claussen
703.516.4146
www.pewclimate.org

The Pew Center on Global Climate Change plays an important role in shaping current climate debates through its nonpartisan research and analysis, engagement of business leaders and broad public-education efforts. Its goal is to encourage domestic and international efforts to reduce emissions of greenhouse gases that contribute to global warming.

Through this grant, the Center will develop and publish an

Old-Growth Forests and Wilderness Protection

Americans for Our Heritage and Recreation
Washington, DC, \$50,000, 1 yr.
To support increased media coverage and public engagement for revitalization of Land and Water Conservation Fund issues.
Contact: Tom St. Hilaire
202.429.2666
www.ahrinfo.org

Outdoor Recreation Foundation
Boulder, CO, \$300,000, 1 yr.
For the Business for Wilderness project to support an organized network of businesses to serve as wilderness advocates.
Contact: Myrna Johnson
303.444.3353
www.outdoorindustry.org

Other

Improving Elections

Center for Public Integrity
Washington, DC, \$500,000, 1 yr.
For the States Soft Money Project to track soft money at the state level during the 2004 election cycle.
Contact: Barbara Schecter
202.466.1300
www.publicintegrity.org

Regents of the University of California, Los Angeles
Los Angeles, CA, \$804,000, 2 yrs.
For the Campaign Disclosure Project to develop systems for reporting and disclosing campaign contributions and expenditures.
Contact: Joseph Doherty
310.206.2675
www.campaigndisclosure.org

INFORMING THE PUBLIC

Religion

Religion and Public Life

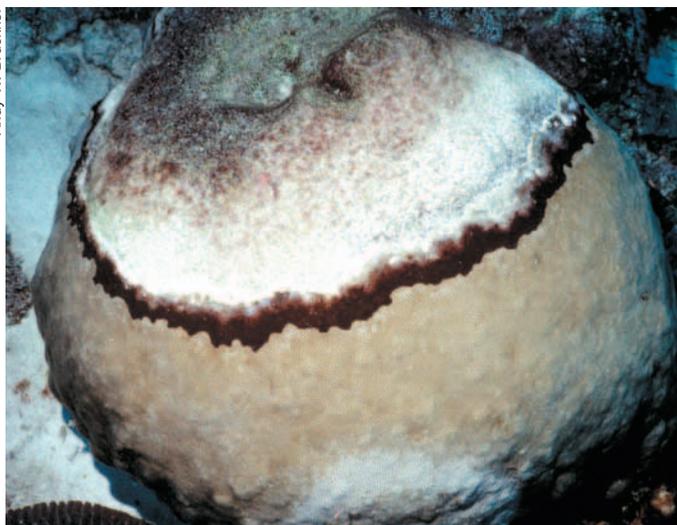
Minnesota Public Radio
St. Paul, MN, \$325,000, 1 yr.
Contact: Bill Buzenberg
651.290.1407
www.speakingoffaith.org

Speaking of Faith, a weekly, hour-long audio magazine by Minnesota Public Radio (MPR), gives a religious perspective on important issues of the day. As guests talk of their own faith perspectives, they foster thoughtful and nuanced discussions of such complex topics as capital punishment, religious terrorism and euthanasia.

Listeners have responded so enthusiastically that six of the nation's top 10 radio markets now air the program. The Trusts' support will help MPR maintain weekly production of *Speaking of Faith*. It will also help the producer pursue other means of distribution, including the Internet as well as CDs and e-newsletters, to make the program more widely available for discussions in classrooms, congregations and community groups.

Ethics and Public Policy Center, Inc.
Washington, DC, \$215,000, 1 yr.
For support of *The Faith Angle*, a journalism-education program that seeks to strengthen media

Andy W. Bruckner



A coral reef with black-band disease, which is thought to be related in part to warming temperatures. The disease advances centimeters each day, making surfaces vulnerable to other predatory organisms. The Pew Center on Global Climate Change has issued a report on the effect of climate change on coral reefs.

"Agenda for Climate Action," a framework that will serve as an outline for a comprehensive climate policy in the United States. The Center will also continue its work with companies to set emissions targets and develop manageable solutions to climate-change policy issues.

In addition, the Center will convene national and international policymakers and stakeholders in a "Beyond Kyoto" dialogue in order to develop agreement on principles and/or model approaches for effective and long-term control of climate change.

United States Public Interest Research Group Education Fund
Washington, DC, \$1,500,000, 1 yr.
For the Heritage Forest Campaign to defend the Roadless Area Conservation Rule through a public education and media campaign.
Contact: Gene Karpinski
202.546.9707
uspigr.org/uspigrducationfund.htm



Krista Tippett, host of *Speaking of Faith*, produced by Minnesota Public Radio, interviewed Basil Braveheart, an educator and a Lakota healer on the Pine Ridge Reservation of South Dakota when the program's topic was "Spirituality and Recovery." Earlier this year, *Speaking of Faith* won the Religion Communicators Council's annual Wilbur Award in radio.

coverage of religion and public life issues.

Contact: Michael Cromartie
202.216.0855 x209
www.eppc.org

The Foundation for American Communications
Pasadena, CA, \$1,000,000, 18 mos.
To support the Journalism, Religion and Public Life Project, which provides journalists in major U.S. media markets with educational programs and resources to enhance their coverage of religion and public-life issues.

Contact: Jeffery A. Cowart
703.737.3570
www.facsnet.org

SUPPORTING CIVIC LIFE

Civic Engagement

George Washington University
Washington, DC, \$4,450,000, 1 yr.
Contact: F. Christopher Arterton, Ph.D. 202.994.5843
www.newvotersproject.org

The New Voters Project has two related goals: to increase voter participation by young people in six states by five percentage points; and to convince party officials, candidates, political consultants and voter-mobilization groups that young people are

politically important, reachable and will vote when asked.

The first phase of the project began last year with a non-partisan effort to register 260,000 young people from the age of 18 to 24 in Colorado, Iowa, New Mexico, Nevada, Oregon and Wisconsin. This grant will allow implementation of the second phase, a get-out-the-vote effort to contact hundreds of thousands of young people, by phone and in person, and encourage them to go to the polls on Election Day. The project will also seek to convince political professionals that young people are a constituency worthy of their attention.

Historical Interests

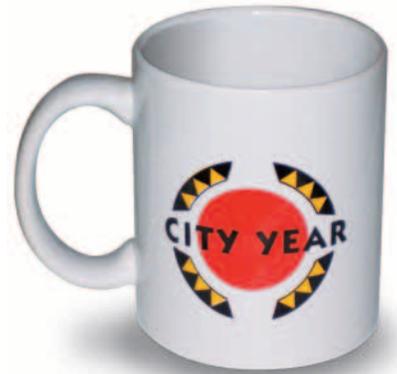
Kimberton Waldorf School
Kimberton, PA, \$100,000, 1 yr.
To improve upon the health and safety of the school's physical environment.
Contact: John J. Egan
610.933.3635
www.kimberton.org

South Shore Community Service Association
Chester, NS
I. For continued operating support for Bonny Lea Farm for services to adults with special needs, \$671,000, 3 yrs.
II. For capital support for Bonny Lea Farm, \$154,000, 3 yrs.
Contact: Alberta Pew Baker, Ph.D.
902.275.3322
www.ChesterBound.com/bonnylea

Local Initiatives

The Pennsylvania Horticultural Society
Philadelphia, PA, \$750,000, 1 yr.
Contact: J. Blaine Bonham, Jr.
215.988.8800
www.pennsylvaniahorticulturalsociety.org

Philadelphia's Benjamin Franklin Parkway was originally envisioned as a pedestrian-friendly extension of Fairmount Park into the heart of the city. Instead, it evolved into a raceway for automobiles seeking downtown venues. Generally, pedestrians find it a lonely and hazardous place to navigate—a promise unfulfilled as vibrant civic space.



To breathe new life into the Parkway, various partners have recently come together to improve it, and the Trusts' latest support is devoted to beautifying Logan Circle, one of William Penn's five major public squares in his original design for the city. The Pennsylvania Horticultural Society, which has improved the quality of life for Philadelphians through horticulture since 1827, will restore the grounds of Logan Circle by planting new paulownia trees and flower beds, replacing worn benches, patching and grading the gravel paths and refurbishing the guard house.

City Year Greater Philadelphia
Philadelphia, PA, \$50,000, 1 yr.
To help City Year Greater Philadelphia respond to an unexpected decrease in federal support for its various community-service initiatives.
Contact: Sean Holleran
215.988.2118
www.cityyear.org/philadelphia

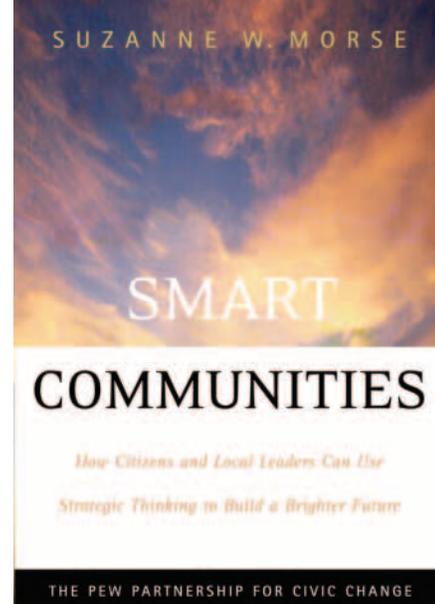
Delaware Valley Grantmakers
Philadelphia, PA, \$50,000, 2 yrs.
For general operating support to coordinate, enhance and increase regional philanthropic activity.
Contact: Dale Mitchell
215.790.9700
www.dvg.org

Sector-Related

Council on Foundations, Inc.
Washington, DC, \$50,000, 1 yr.
For general operating support.
Contact: Anita Marsh
202.467.0463
www.cof.org



A detail of the *Wheel of Time*, a Tibetan sand painting by the former Buddhist monk Losang Samten, a 2004 Pew fellow in the arts and founder of the Tibetan Buddhist Center of Philadelphia.



A Yogi Berra-ism: He and his wife, Carmen, are driving to the Baseball Hall of Fame in Cooperstown, N.Y. The miles pass, their destination seems no closer, and Yogi soothes the worried Carmen: “We’re lost, but we’re making good time.”

This is the opening anecdote to *Smart Communities: How Citizens and Local Leaders Can Use Strategic Thinking to Build a Brighter*

Future (Jossey-Bass, 2004) by Suzanne W. Morse, the executive director of the Pew Partnership for Civic Change, a project of the University of Richmond (www.pew-partnership.org). Her experiences with the Partnership form the basis of the book, which emphasizes that strategy, and not luck, is more likely to get people—and communities—where they want to go.

Another Morse quotation, this one

One by One, the World Is Becoming a Lonelier Place

By Joshua Reichert

The writer directs policy initiatives and the Environment program at the Trusts. This op-ed first appeared in The Los Angeles Times and was subsequently reprinted in other newspapers.

Last month, with little fanfare, the U.S. Fish and Wildlife Service removed two tropical birds, the Mariana mallard and the Guam broadbill, from its list of species that are endangered. The birds are extinct, having joined a growing list of animals that have disappeared from the face of the Earth.

The announcement that these two birds, which were native to the islands of the western Pacific, had vanished forever elicited little attention. Their numbers had been declining for decades. And few people, other than the most avid bird enthusiasts, even knew what they were or had ever seen them. So there will be few who will mark their passing with the same nostalgia or sense of loss that might accompany the disappearance of a better known species like the snow leopard, the Siberian tiger or the black rhinoceros—all on the brink of the same abyss.

The fact that the extinction of these two creatures was virtually a silent one is a tragedy. Both were the product of millions of years of evolution. Both were connected to a larger network of species that interrelate and depend



Gone: the Guam broadbill . . .

on one another in many ways that still remain a mystery to science. And both succumbed to the same types of human-induced pressures that threaten so many other animals in this country and elsewhere in the world: habitat loss, over-hunting and the introduction of non-native species against which they have little or no defense.

Many would ask why we should care that these two birds are no longer here. The answer is that we now know enough about how the world is put together to recognize that each species on Earth plays a role in nature. When one disappears, it is a harbinger of trouble. Just how or when or if the extinction of one species will affect us in any material way is difficult to know. However, there are stark examples of how our disregard for other life forms has imperiled our own survival.

Take, for example, the case of Easter



and the Mariana mallard.

Island. This remote, barren island in the South Pacific, which is best known for its huge, mysterious stone statues, was once covered by a subtropical forest. But its Polynesian inhabitants eventually deforested the island, driving most of its tree species into extinction along with every species of native land bird. With no wood available to build boats for fishing, and the soil so depleted that crops could not be grown, an estimated 90 percent of the human inhabitants died of starvation.

There are many different reasons why we should rail against extinction. Biologically, because each species is part of a larger, complex assemblage of living things, we should strive to protect them all, particularly because we don’t understand how each piece fits with the others. There is also a moral reason. It is that Earth’s creatures, great and small, are not simply here for our benefit but are here with

from Peter Senge's *The Fifth Discipline*: "Tackling a difficult problem is often a matter of seeing where the high leverage lies, a change which—with minimum effort—would lead to lasting, significant improvement."

Morse defines seven high-leverage points that are crucial to community change: investing right the first time, working together, building on community strengths, practicing

us in the world. As such, we have a fundamental responsibility to treat them all with respect and a sense of stewardship.

We are clearly failing in this task. There are more than 12,000 species of animals and plants that are known to be threatened, 1,816 of which reside in the United States. And the list gets longer every year.

From the earliest days of life, many species have come and gone. To a certain extent, extinction is a natural event. Up until modern times, it is believed that one to two species per million vanished annually. We are now losing them far faster, at a rate that is estimated to be up to 1,000 times as high as in the past. Indeed, many scientists believe that by the middle of this century an astonishing 25 to 50 percent of all existing species will be on the path to extinction.

We have both a practical and an ethical responsibility to ensure that this does not happen. Every species that disappears represents one less strand in that remarkably intricate web of life of which we are a part and which ultimately sustains us.

There were no bells that tolled the departure of the two Pacific birds. But they should have tolled for us, as a sad reminder of what we have lost and as a warning for the future.

democracy, preserving the past, growing leaders and inventing a brighter future. These are the centers of individual chapters that ultimately have one story to tell: Good results are the consequence of good processes, and, in the end, process and result are connected.

Each chapter is replete with examples of communities that took control of their challenges, forged better decisions and made something good happen.

The examples have helped some exemplary towns realize their strengths. In Winston-Salem, N.C., the daily *Journal* acknowledged that the city

By the Numbers: The Trusts in 2003

	2002	2003
Assets	\$3,753,638,080	\$4,118,768,408
Number of proposals	3,261	3,270
Number of grants	287	165
Grant commitments	\$166,330,000	\$143,398,000
Average grant	\$579,547	\$869,078

By Program	2003	Number of Grants
Culture	\$12,988,000	19
Education	\$17,746,000	17
Environment	\$42,097,000	31
Health and Human Services	\$21,760,000	179
Public Policy	\$18,914,000	17
Religion	\$13,405,000	8
Venture Fund	\$13,488,000	15
(Special Projects	\$3,000,000	2)

Geographic Distribution	Amount of Total
National	\$102,487,000
Philadelphia (city and surrounding Pennsylvania counties)	\$26,878,000
International (U.S.-based organizations working overseas)	\$14,033,000

Duration of Grants	Number of Grants
More than 3 years	3
3 years	37
Between 2 and 3 years	71
Between 1 and 2 years	51
Less than 1 year	3

Grantees	Amount of Total
Previously funded	\$141,029,000
First-time grantee	\$2,369,000

From "The Pew Charitable Trusts Statistical Report on Grantmaking 2003" by Bruce C. Compton.

“has made its share of dumb moves over the years” but noted, “Our mistakes are fixable.” And in Austin, Texas, the daily *American-Statesman* called the city “wonderfully fractious, political, vocal, combative,” yet welcomed its place “in a small collection of cities noted for civic collaboration.”

The book’s intended audiences are “those who have a say—or want a say” in the work of their communities, people who, like successful communities, won’t wait for luck to come their way but are receptive to learning how others make good decisions and are ready to apply the lessons learned to their own situations. Or, as Morse puts it, “people who want directions to their destination: those that are unwilling to keep going down the same road.”

A few days before presenting his case to the United States Supreme Court, Michael Newdow listened to both sides of the deeply contested debate he had carried to the Court’s doorstep. He was in the audience of “Under God? A Discussion of the Constitutionality of the Pledge of Allegiance,” sponsored by the **Pew Forum on Religion and Public Life** at the National Press Club in Washington, D.C., this spring.

As Luis Lugo, the Forum’s director, noted in his opening comments, the constitutionally significant question in *Elk Grove Unified School District v. Newdow* is whether or not daily recitation by school children of the Pledge of Allegiance with the phrase “under God” violates the Establishment Clause of the First Amendment.

The broader issue, however, is what effect the Court’s decision may have on what some refer to as “ceremonial deism” in the American public square. The presence of the phrase “In God We Trust” on our coins, the prayer that starts every congressional session, the statement that opens Supreme Court sessions—“God save the United States and this Honorable Court”—

LETTERS

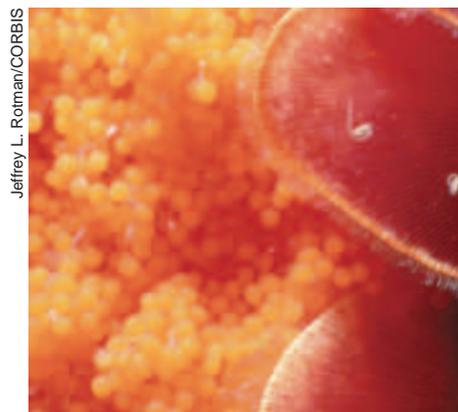
The oceans—one more crossing

Colin Woodard continues to assert that models used to predict lobster and groundfish abundance are deeply flawed, leading to inaccurate predictions of stock status and the outcome of management actions [Letters, winter 2004; see also “Saving the Seas,” spring/summer 2003]. He notes that “*In 1978, Vaughn Alexander, head of research at Maine’s Department of Marine Resources, warned it was just a matter of time before [the lobster stock] crashes. . . .*” The director of the Maine Department of Marine Resources at the time was *Dr. Vaughn C. Anthony*, and he did indeed predict dire consequences for the lobster industry if landings and exploitation trends continued.

However, Dr. Anthony’s warning was based on the direct observation that lobster landings in Maine had declined steadily from the mid-1950s to the mid-1970s—not on predictions from elaborate models and certainly not the types of models used today in lobster management. Maine landings declined from an average of 22.5 million pounds during 1955-1960 to 17 million pounds during 1970-75 (approximately a 25 percent decline). Hindsight is always 20/20, but one wonders what call Mr. Woodard would have made had he been in Dr. Anthony’s position.

Mr. Woodard goes on to note that optimistic forecasts for groundfish stocks following the establishment of the 200-mile limit proved to be wrong. By the late 1970s and early 1980s, groundfish stocks, notably haddock, cod and yellowtail flounder, had in fact started to recover with the implementation of the two-tiered quota management system I described in my response to Mr. Woodard’s original article, providing the basis for the guarded optimism expressed by Mr. David Crestin and cited by Mr. Woodard. However, as stocks recovered, fishers rebelled against the constraints imposed by quota management in the early 1980s, ultimately resulting in a change to ineffective qualitative controls that did not truly constrain fishing pressure on the stocks. The result was entirely predictable—and was predicted by fishery scientists—and the decline was not reversed until court-ordered constraints were imposed in the mid-1990s.

It is not possible to correct problems without an accurate diagnosis of the underlying causes. By conflating the role of models in resource management, scientific advice and the actions actually taken by managers in a complex social, economic and political setting, Mr. Woodard misses the real lessons in both lobster and groundfish management. The models currently used for lobster management cannot, even in principle, predict a stock collapse. Instead, they are used to determine how to improve the yield from those lobsters that do survive to enter the fishery and how to increase egg production from these individuals—in



Jeffrey L. Rotman/CORBIS

Lobster eggs: a dire future?

effect, how to make the most of the hand we are dealt.

If the model predictions are to be judged, it must be on this basis, not on the incorrect assertion that they do or do not predict a stock collapse. For the groundfish case, it should be obvious that it is the choices that managers make, and how they use models and scientific advice, that will ultimately control the outcome of management actions. Concluding that models and poor scientific advice were responsible for the decline of the groundfish stocks during the 1980s and 1990s is like concluding that a particular remedy is ineffective when the patient didn’t actually take the medicine.

MICHAEL J. FOGARTY
Falmouth, Mass.

Colin Woodard responds:

Mr. Fogarty is absolutely correct when he notes that the scientific advice given by the National Marine Fisheries Service

was not taken to heart. The primary reason for the collapse of Georges Bank was, indeed, the failure of managers and industry to adhere to the quotas NMFS produced.

My discussion of the shortcomings of the fisheries models of the day—informed by some of those involved—was intended to shed light on the need to discover and incorporate more nuanced ecological information into the scientific management of fisheries, which is, of course, essential to the well-being of fish and fishermen alike. I entirely agree that what management does with this information is also of essential importance; I would certainly have included such a statement in the opening of my article on the Pew Oceans Commission, had I imagined it would be taken for a comprehensive analysis of the reasons for the collapse of the New England ground-fishery.

Regarding Maine's lobster fishery, the findings of Bob Steneck and his colleagues suggest that the models may, in fact, be failing to accurately measure the hand we've been dealt. Stock assessments obviously have a great deal of bearing on our understanding of the health of the fishery and, when placed alongside data on fishing mortality, may well prompt warnings of a stock collapse. If we find there were significantly more—or fewer—egg-producing animals out there than a given fishery model had suggested, it suggests that there's some piece of relevant biological or ecological information that has eluded us. An effective national oceans policy should support the pursuit of this knowledge and its incorporation into our fisheries management regime.

The following letter was addressed to Trusts President Rebecca W. Rimel. The writer was the founding president of the California State University at Hayward and has written extensively on improving higher education for students' sake.

I appreciate receiving your publication *Trust* and your "Notes" with each issue. You do a good job of "providing fact-based nonpartisan research."

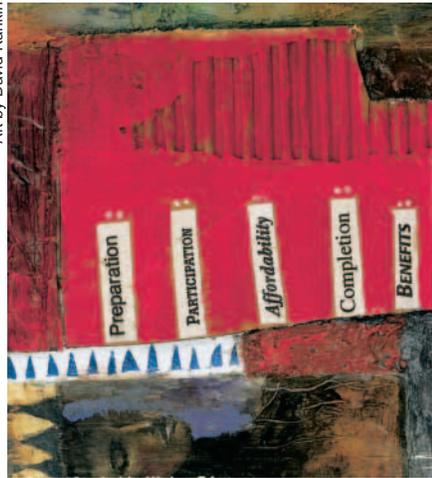
This letter is to commend, in particular, your decision to move the California Policy Center for Higher Education to the national

stage several years ago. Its recent publications are some of the most important results from foundation grants since the Carnegie series of the Clark Kerr-led projects a number of years ago. [See "Grades That Get Attention," winter 2001.]

In particular, the *Measuring Up 2000* and *2002* reports on the higher education efforts of the 50 states provide very useful factual data. And supporting them through 2004 and 2006, to provide for continuity of these informative studies, is an important further contribution.

In the past you supported a decade of attention to the health professions and their

Art by David Rankin



need to change basic approaches—and afterward supported a center to carry on this work ["Working on the Workforce," winter/spring 2003]. Higher education and its need to work at affordability, participation, student preparation, completion and benefits (with data to use for decision-making), plus the basic problem of lack of data on actual learning outcomes, suggest that the *Measuring Up* project badly needs to be continued—with potentially a long-term plan for it to be continually operative.

The professional papers included with the data on the states are quite valuable, and the affordability publications provide useful insights. I understand that they are considering another look at the key problem "Who Benefits/Who Pays/Who Should Pay." This is badly needed, since the emphasis since the Carnegie books has been on a marketing/privatization approach. This

leaves society with thousands of "indentured students" owing huge loans and thousands of less-advantaged students unable to attend due to the high cost, and costs increasing far greater than the annual cost-of-living increases. If they need funds to carry on a study of this critical policy topic, it could be a valuable service which you could provide.

A number of years ago, when I was president of the American College Testing Program and made selected grants as you do, I supported Russell Thackrey (for many years an executive of the National Association of State Universities and Land-Grant Colleges) in a related study. I am taking the liberty of enclosing a copy and some data from a Wisconsin study of the effects of tuition on college attendance. These are old but have some data that may be of interest as you consider this policy issue for our country.

The Pew Trusts make a real difference. Thanks.

FRED F. HARCLEROAD
Tucson, Ariz.

P.S. You may also be interested to know that I am responsible for Chapter 9 in the Johns Hopkins college textbook *American Higher Education in the Twenty-First Century*, edited by Altbach, Berdahl and Gumpert, now preparing the fifth edition. The chapter provides students with information about "External Constituencies and Their Impact," including private foundations, consortia, institutionally-based associations, regional compacts and voluntary accrediting associations.

In the section on private foundations, I selected the Pew Trusts and your support of the National Center for Public Policy and Higher Education as a current outstanding example of foundation activity that is critical for prospective higher-education administrators to know about and follow.

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these are all instances of the public nod, often pro forma, which the U.S. government gives to a worldview that some consider profoundly religious.

The phrase “under God” in the Pledge belongs in that category, argued Jay Sekulow, chief counsel for the American Center for Law and Justice, who had filed a brief on the side of Elk Grove Unified School District. These phrases, he said, make the statement that American liberties are “a gift of God,” not concessions granted by a government—a point the founding fathers wanted to stress with respect to the king of England. When Congress added “under God” to the Pledge 50 years ago in the context of the Cold War, it was underlining the source of our rights and liberties against the Communist view that the “state is supreme.”

These phrases “tend to solemnize an occasion,” Sekulow stated, and do not infringe upon the Establishment Clause because they are not theological: “There is a constitutional difference between acknowledging the role that belief in God has played in our nation’s history and endorsement of God or any religious institution.”

Furthermore, students are not required to recite the Pledge, Sekulow added, noting a parallel with school prayer, which is permitted if it is student-led or -initiated but must not involve “the school’s machinery.” The phrase “under God,” he concluded, reflects a “historic fact of patriotic expression,” which, as in the National Anthem, “is a part of who we are.”

Newdow, chiming in during the Q&A, called Sekulow’s approach “bogus.” Americans don’t know their history and care less, he suggested: “This case is about people wanting to have God and do exactly as you just referred to, to have the machinery of the state used so that they can further their religious views.”

Formally opposing Sekulow was University of Texas law professor and religious liberty expert Douglas

Laycock. He argued that the Pledge essentially asks every child in the public schools in America for a personal affirmation of faith—a request that, in effect, isolates some 7.2 million children whose parents are part of that 15 percent of the population that say they do not subscribe to a monotheistic conception of God. He pointed out that this is “really unique in the culture,” since the government does not make this demand upon adults or upon children in any context but public schools. Furthermore, he said, this teaches children who won’t say the Pledge because of the religious reference that “if you are doubtful about the existence of God, you are of doubtful loyalty to the nation.”

To recite the Pledge as a routine act of patriotism with no theological meaning, Laycock continued, amounts to government-sanctioned violation of the biblical prohibition on taking God’s name in vain. For this reason, he said, he had written an amicus brief supporting Newdow on behalf of 32 Christian and Jewish clergy, who are not only concerned “about not coercing other people to practice their religion but also *care* that if we do practice religion, we take it seriously.”

Laycock closed that brief by giving five reasons the Pledge might be considered constitutional and thus affirmed by the Court: the Pledge is not a form of prayer; it does not refer to any particular religion; the offending portion is only two words; those two words have been recited for half a century without the Court taking an interest; and, finally, no one is required to recite the Pledge.

Sekulow then pointed out that, although Laycock is a fierce opponent of retaining the phrase “under God” in the Pledge, he had cleverly offered the Court the narrowest of potential rationales on which to uphold the phrase, if it were so disposed. “It may well be what the Supreme Court does,” Sekulow noted, “because it does give

a very specific approach, and I think a fairly persuasive one.” In the end, the Court made a procedural ruling that Newdow does not have standing to bring the case, so the “under God” remains.

For the entire text of the discussion, go to www.pewforum.org, the Web site of the Forum, which is a project of the Pew Research Center and based at Georgetown University.

Ann Hart

The 2004 Olympics in Athens don’t begin until August, but they’ve already produced winners. The United States Postal Service issued a postage stamp commemorating the Games, based on an ancient Greek vase from the collections of the Trusts-supported **University of Pennsylvania Museum of Archaeology and Anthropology**.

Richard Sheaff, of Scottsdale, Ariz., used the art on a pot known as an Attic black-figure lekythos, dating from about 550 B.C., to design a runner; and Lonnie Busch, of Franklin, N.C., illustrated it. The Postal Service has printed 71 million of the stamps.

The Museum has an exhibition of ancient Greek artifacts pertaining to athletics, games and the Olympics. And its Web site features “The Real Story of the Ancient Olympic Games,” authored by David Gilman Romano, Ph.D., senior research scientist, who sifts through the facts and myths that the Games have accrued. For instance, that they began in 776 B.C.—or perhaps earlier. And that originally contestants had to be male Greek citizens of Greek city-states, although unmarried women had their own contests. And that the Greeks would not have distinguished between an “amateur” and a “professional” athlete, since *athlete* means “one who competes for a prize,” and indeed they gave cash awards that were much more lucrative than a wreath of olive leaves.

For details, go to the Web site www.museum.upenn.edu/olympics ■

Top: On the model vase, the runners are probably competing in the stadion, a 600-foot sprint, or the diaulos, which was twice that distance. They are flanked by either judges or spectators.

Bottom: An Attic black-figure amphora, ca. 510-490 B.C., depicts a boxing match. The man with the long stick is either a judge or trainer; a youth stands by, holding extra gloves.



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When human reproduction became high-tech, it gave birth to concerns that policymakers and the public must understand and discuss.

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